

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHRISTOPHER D. ARIOLA,

Plaintiff,

vs

9:04-CV-1262

ONONDAGA COUNTY SHERIFF'S DEPARTMENT;
JOHN DOE; GARY SMITH, PSWA; DR. MARILYN S.
WARD; DR. JOSE L. MASSA; and PATRICK
SCHAUBROECK, CW,

Defendants.

APPEARANCES:

OF COUNSEL:

CHRISTOPHER D. ARIOLA
Plaintiff, Pro Se
02-B-2553
Great Meadow Correctional Facility
Box 51
Comstock, NY 12821-0051

ONONDAGA COUNTY LAW DEPARTMENT
Attorney for Defendants
10TH Floor
421 Montgomery Street
Syracuse, New York 13202

KATHLEEN M. DOUGHERTY, ESQ.

DAVID N. HURD
United States District Judge

ORDER

Plaintiff, Christopher D. Ariola, brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report Recommendation dated September 11, 2006, the Honorable George H. Lowe, United States Magistrate Judge, recommended that the defendants' motion to dismiss be granted; that plaintiff's amended complaint be dismissed with prejudice; and that the court's order of dismissal indicate that the dismissal constitutes a "strike" for purposes of 28

U.S.C. § 1915(g) for the reasons stated in the Report-Recommendation. Objections to the Report Recommendation have been filed by the plaintiff.

Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

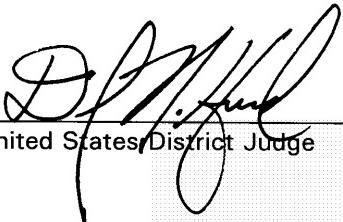
Accordingly, it is

ORDERED that

1. The defendants' motion to dismiss is GRANTED;
2. Plaintiff's amended complaint is DISMISSED with prejudice;
3. The dismissal of this action constitutes a strike for purposes of 28 U.S.C. § 1915(g) for the reasons stated in the Report-Recommendation; and
4. The Clerk shall file judgment accordingly.

IT IS SO ORDERED.

Dated: January 10, 2007
Utica, New York.



United States District Judge